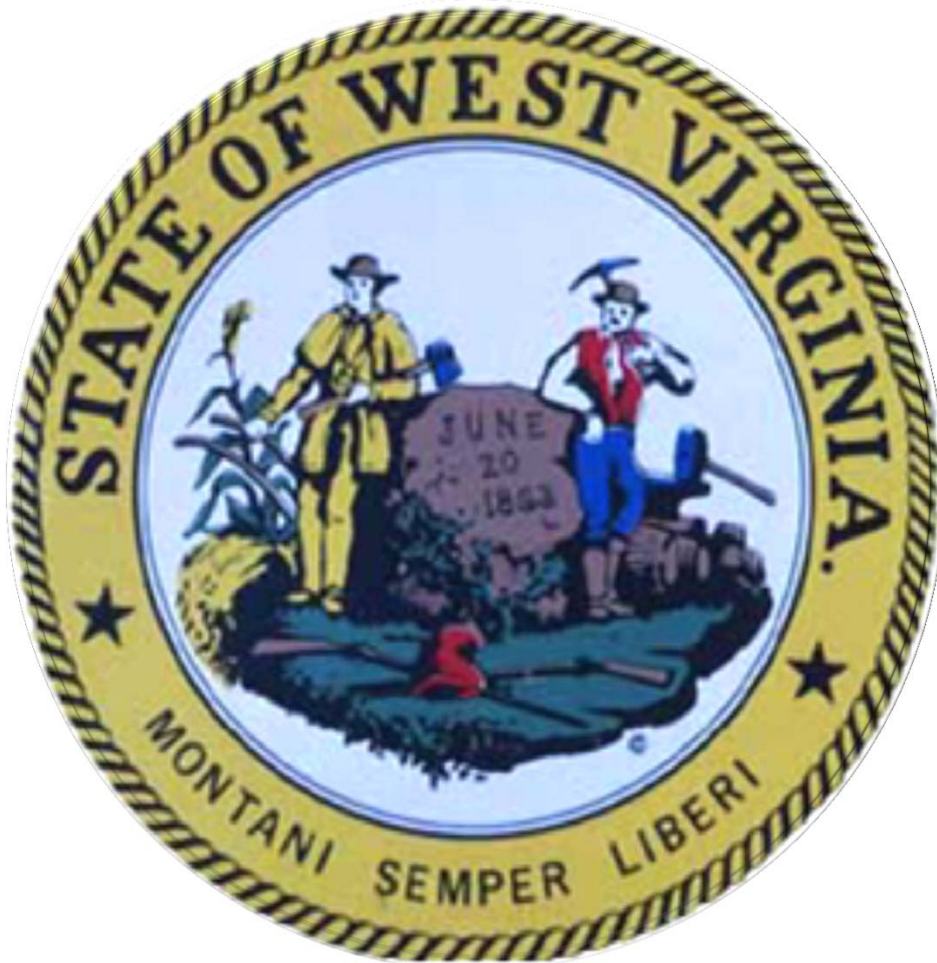


SENATE BILL 393 (2015 RS)

Juvenile Justice Legislation Overview

S.B. 393 Overview

2



- S.B. 393 will:
 - ▣ Protect public safety
 - ▣ Improve outcomes for youth, families, and communities
 - ▣ Enhance accountability for juvenile offenders and the system
 - ▣ Contain taxpayer costs

West Virginia Intergovernmental Task Force on Juvenile Justice

3

- S.B. 393 is based upon the policy recommendations of the West Virginia Intergovernmental Task Force on Juvenile Justice
- In June 2014, leaders from both parties and all branches of government established the Task Force to conduct a comprehensive analysis of the juvenile justice system, including an extensive review of state data
- The Task Force consisted of thirty stakeholders from across the state, including legislators from both chambers and both parties, a prosecutor, a public defender, law enforcement, the faith community, educators, agency commissioners, judges, and other stakeholders
- The Task Force reached consensus on fiscally-sound, data-driven policy recommendations for improving West Virginia's juvenile justice system, many of which were contained in S.B. 393

Key Task Force Findings

4

- Many more youth are being removed from their homes for **low-level misdemeanors** and for **status offenses** such as truancy or running away from home (behaviors that would not be crimes if committed by an adult)
 - The number of status offenders placed out-of-home by the Department of Health and Human Resources (DHHR) **increased 255 percent (from 38 in 2002 to 135 in 2012)**
 - Youth are **remaining at state-funded residential facilities longer**, with an average length of stay of 15 months for youth released from a DHHR facility in 2013, an 11% increase from 2003

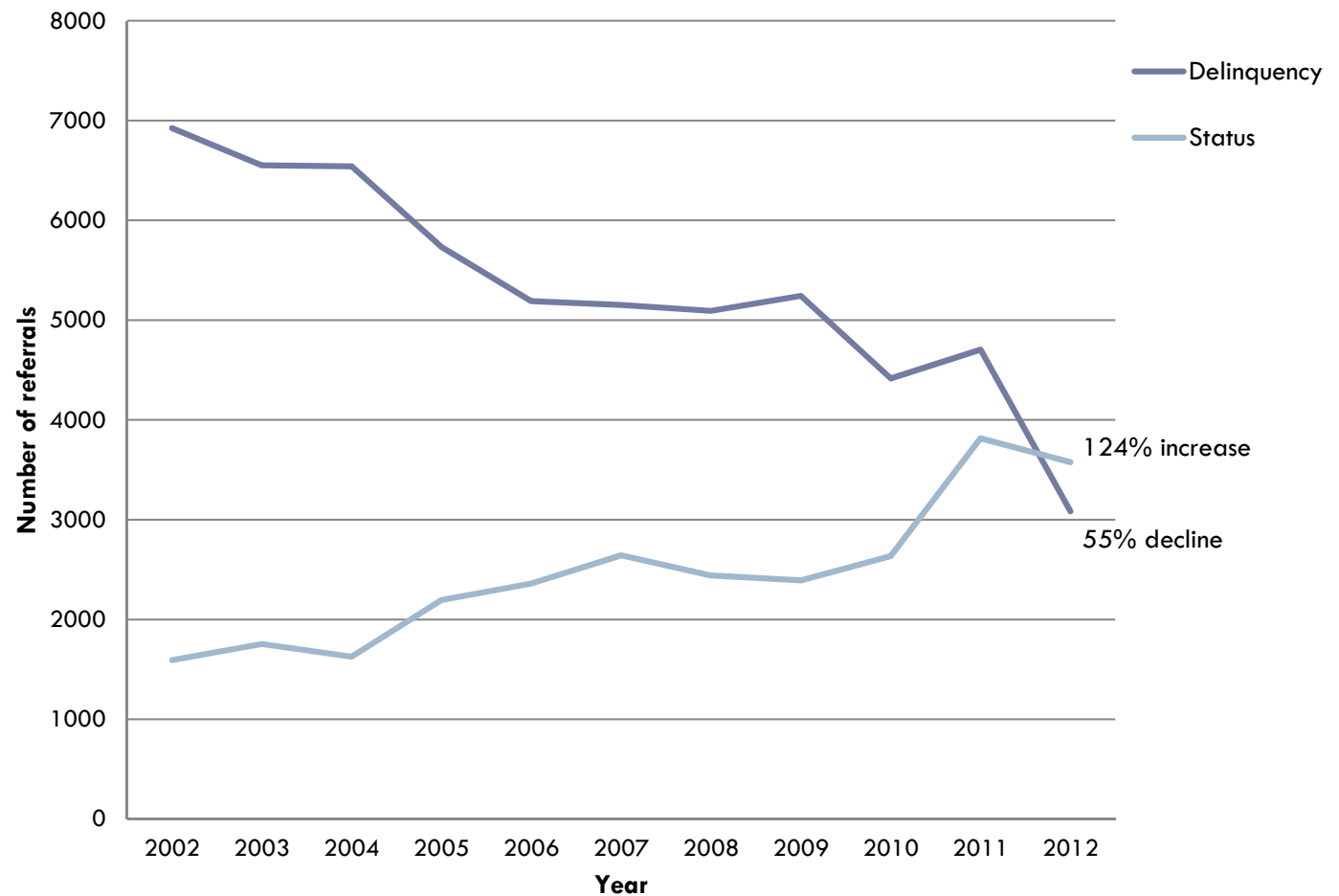
Task Force Key Findings (cont.)

5

Between 2002 and 2012, the number of court referrals for delinquent offenses **declined by 55 percent.**

During the same period of time, referrals for status offenses such as truancy **increased by 124 percent.**

Delinquency and Status Referrals, 2002-2012



Task Force Key Findings (cont.)

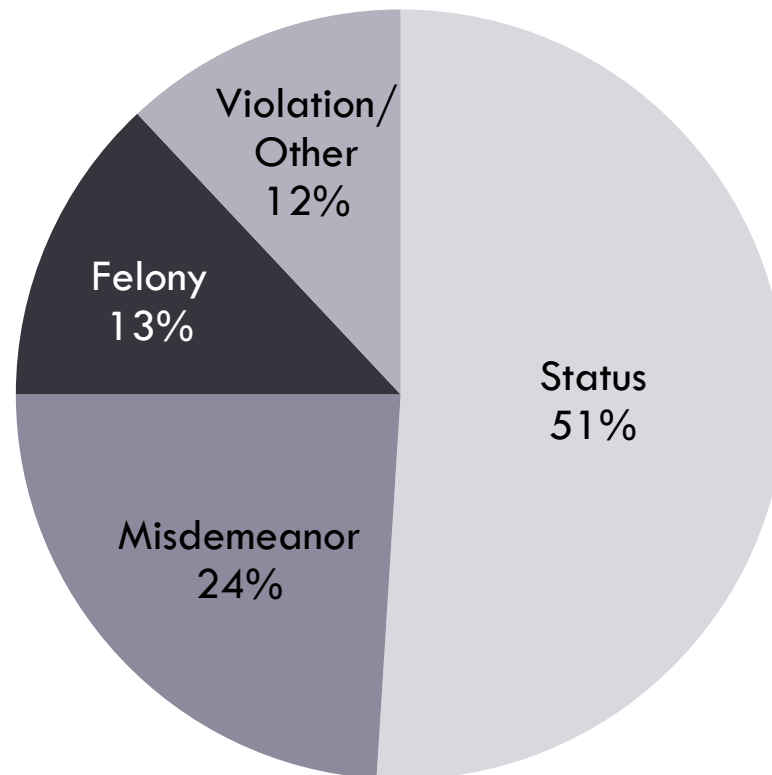
6

Three-quarters of juvenile justice system youth placed in facilities by DHHR in 2012 were **status offenders or misdemeanants**.

The number of status offenders in DHHR facilities is **up 255% since 2002**.

Just under **50 percent** of these youth had **no prior contact with the court**. This means that they had never been arrested for a crime or referred to court, informally or formally, for any type of behavior or offense, status or delinquent.

Juvenile Justice System Youth Placed Out-of-Home by DHHR, 2012



Task Force Key Findings (cont.)

7

- Youth placed in facilities are staying in custody for longer periods of time.
 - Between 2003 and 2013, average length of stay for status and delinquent youth placed out-of-home by DHHR increased:
 - 22 percent increase for status offenders for an average of 14.5 months
 - 23 percent increase for misdemeanor offenders for an average of 16 months
- DHHR youth placed in facilities outside West Virginia spend an average of 23 months out-of-home—almost twice as long as in-state placements.

Task Force Key Findings (cont.)

8

- Out-of-home placements are costly compared to effective community-based services
 - The average cost of placing a youth in a DHHR or DJS-funded residential facility is more than \$100,000 per year

Four Key Policies of S.B. 393

9

- ❑ Provide early intervention
- ❑ Strengthen community supervision and youth accountability
- ❑ Focus state-funded residential facilities on more serious youth and reinvest savings
- ❑ Improve system accountability

Provide Early Intervention

10

- Establishes pre-court diversion programs and interventions for low-level offenses such as truancy
 - ▣ School-based probation officers and truancy specialists will identify youth in need of services, and will provide coordination of interventions
 - ▣ This ensures rapid service delivery to get youth back on track quickly
 - ▣ The use of restorative justice programs are authorized in order to emphasize repairing harm to the victim and community

Strengthen Community Supervision

11

- Increases effective interventions for youth on community supervision
 - ▣ At least 50% of program expenditures devoted to evidence-based practices proven to reduce reoffending by 2017
- Expands Youth Reporting Centers to provide additional alternatives to out-of-home placement
- Requires review of the progress of youth on probation every 90 days
- Authorizes courts to adopt a system of community-based probation sanctions to encourage compliance with probation conditions and to ensure that youth are held swiftly accountable

Focus State Resources and Reinvest

12

- Focuses residential beds on higher-risk youth
 - ▣ Authorizes the use of risk and needs assessments to provide judges with clear information at disposition
 - ▣ Requires community-based services for first-time status offenders and nonviolent misdemeanants except in certain instances
 - ▣ Requires that the transition to community-based services for youth in DHHR facilities begin within 30-90 days
 - ▣ Requires case planning for youth in the community and reentry planning for all youth exiting residential facilities
 - ▣ Limits the DJS diagnostic center to higher-risk youth and prohibits the placement of status offenders in DJS facilities
- Allows for reinvestment of savings into evidence-based services in the community
 - ▣ The Task Force recommended outpatient substance abuse services, mental health services, and family wraparound services

Improve System Accountability

13

- Enhances oversight of the system
 - Increases aggregate data collection to determine if policies and practices are effective, including information on recidivism for youth receiving services in the community and youth in facilities
 - Creates a bipartisan, inter-branch oversight committee to review aggregate system performance data, provide regular oversight, and explore areas for further reform

Summary

14

- The policies enacted by S.B. 393 are projected to reduce the number of youth in state-funded residential placement with DHHR and DJS by ***at least 16 percent by 2020***, averting otherwise anticipated costs of ***more than \$20 million*** over the next five years
- The 2015 budget proposal includes \$4.5 million in initial funding
 - ▣ \$2 million for truancy diversion programs
 - ▣ \$1 million for Youth Reporting Centers
 - ▣ \$1 million for pilot programs
 - ▣ \$500,000 for data and administrative costs

Broad Public Support

15

- S.B. 393 enacts policies that West Virginians of both parties support by nearly unprecedented margins
 - Nine out ten of West Virginia voters—including **91 percent of Republicans and 91 percent of Democrats**—believe West Virginia should save expensive state-funded residential facilities for more serious youth and create alternatives for low-level offenders that cost less
 - 85% of West Virginia voters think status offenders should ***never*** be placed in state-funded facilities

Bipartisan Legislative Support

16

- S.B. 393 passed both the House of Delegates and the Senate with unanimous bipartisan support

“The results of these reforms cannot be understated: stronger families, safer communities, and more youth on track towards becoming contributing members to West Virginia’s future.”

Senator Chris Walters, op-ed,
Charleston Daily Mail,
February 23, 2014



“Concerned citizens from both sides of the political spectrum have led the effort for juvenile justice reform in West Virginia. They are to be commended for SB 393, which is an important step toward a better juvenile justice system.”

Charleston Daily Mail editorial,
March 5, 2014

Moving West Virginia Forward

17

- Governor Tomblin signed S.B. 393 on April 2, 2015.
 - ▣ The bill takes effect May 17, 2015.

"By signing Senate Bill 393 into law, we are giving our children the opportunity to be part of our state's bright future and put them on the right track to live a fulfilling life and achieve success in the Mountain State"



"This important piece of legislation puts our kids first, and I'm confident it will improve outcomes for West Virginia youth and their families, increase accountability for juveniles and the justice system, and protect both public safety and the state's finances."